

United States District Court

04460-TFY SOUTHERN DISTRICT OF NEW YORK

HOME DEPOT USA, INC. and DELPHI
CORPORATION,

Plaintiffs,

V.

M/V HYUNDAI CONFIDENCE, her engines,
tackle, boiler, etc., in rem, MITSUI O.S.K. LINES,
LTD. and APL CO. PTE. LTD., in personam,

Defendants.

SUMMONS IN A CIVIL CASE

CAS 08 BER CIV 51387

TO: (Name and address of defendant)

Mitsui O.S.K. Lines Ltd.; 160 Fieldcrest Avenue; Edison, New Jersey 08818

APL Co. Pte. Ltd.; 100 Central Avenue, Building 40C, South Kearny, New Jersey
07032

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

HILL RIVKINS & HAYDEN LLP
45 Broadway, Suite 1500
New York, New York 10006

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J MICHAEL McMAHON

JUN 04 2008

CLERK

DATE

(BY) DEPUTY CLERK

AO 440 (Rev. 10/93) Summons In a Civil Action -SDNY WEB 4/99

RETURN OF SERVICE

Service of the Summons and Complaint was made by me ¹	DATE
NAME OF SERVER (PRINT)	TITLE

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: _____
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- ☐ Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

HILL RIVKINS & HAYDEN LLP

S.SOUTHERN DIST. COURT NEW YORK COUNTY

Index No. 08 CIV 5138

HOME DEPOT USA, INC., ETANO plaintiff

- against -

M/V HYUNDAI CONFIDENCE,HER ENGINES defendant
TACKLE, BOILER, ETC., ETAL

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:

JOEL GOLUB being duly sworn, says:
I am over the age of 18 years and am not a party to this action.

ON the 20th day of June, 2008 I sent on behalf of the plaintiff herein
a copy of the

SUMMONS AND COMPLAINT
RULE 7.1 STATEMENT
JUDGES RULES

with notice of the service upon the Secretary of State thereof to
APL CO.PTE, LTD.

the DEFENDANT by registered mail in a securely sealed wrapped with
sufficient postage thereon with return receipt requested addressed to

100 CENTRAL AVE, BLDG 40C
SOUTH KEARNY, NJ 07032

ATTACHED HERETO, AND MADE A PART HEREOF, IS THE RETURN RECEIPT FROM
THE DEFENDANT, RECEIVED BY THE DEPONENT ON 7/11/08

sworn to before me this
11th day of July, 2008sr

KENNETH WISSNER
Notary Public, State of New York
No.01WI4714130
Qualified in NEW YORK COUNTY
Commission Expires 03/30/2010

.....
JOEL GOLUB 701893
AETNA CENTRAL JUDICIAL SERVICES
225 BROADWAY, SUITE 1802
NEW YORK, NY, 10007
Reference No: 3HRL0M133825

SAMSON NEWMAN
Notary Public, State of New York
No. 01NE4783767
Qualified in New York County
Commission Expires Nov. 3, 2009

Form 20 SECRETARY OF STATE - 307

HILL RIVKINS & HAYDEN LLP**ATTN:**

U.S.SOUTHERN DIST. COURT

NEW YORK COUNTY

STATE OF NEW YORK

HOME DEPOT USA, INC., ETANO

plaintiff

Index No. **08 CIV 5138**

- against -

Date Filed

M/V HYUNDAI CONFIDENCE,HER ENGINES
TACKLE, BOILER, ETC., ETAL

defendant

Office No. **29660-TEW**

Court Date: / /

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:

STEVE AVERYbeing duly sworn, deposes and says that
he is over the age of 18 years, resides in the State of New York and is
not a party to this action. That on the**20th of June, 2008 at 08:10 AM**at the Office of the Secretary of State of the State of New York in the
City of Albany, New York, he served the**SUMMONS AND COMPLAINT****RULE 7.1 STATEMENT****JUDGES RULES****UPON: APL CO.PTE, LTD.**the **DEFENDANT** in this action, by delivering to and leaving with**DONNA CHRISTIE, AGENT**in the office of the Secretary of State of New York, one true copy
thereof and at the same time of making such service, deponent paid said
Secretary of State, a fee of \$40. That said service was made pursuant to
Section 307 of the BCL.

Deponent further describes the person actually served as follows:

SEX: **FEMALE**COLOR: **WHITE**HAIR: **BLONDE**APP. AGE: **35**APP. HT: **5:5**APP. WT: **130**

OTHER IDENTIFYING FEATURES:

SWORN TO BEFORE ME THIS
25th DAY OF June, 2008KENNETH WISSNER
Notary Public, State of New York
No.01WI4714130
Qualified in NEW YORK COUNTY
Commission Expires 03/30/2010.....
STEVE AVERYAETNA CENTRAL JUDICIAL SERVICES
225 BROADWAY, SUITE 1802
NEW YORK, NY, 10007
Reference No: 3HRL0M133825

DELETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>Print your name and address on the reverse so that we can return the card to you.</p> <p>Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>J Nelson</i></p>	
<p>Article Addressed to:</p> <p>95 /HRLDM APL CO.PTE, LTD. 100 CENTRAL AVE, BLDG 40C SOUTH KEARNY, NJ 07032</p>		<p>B. Received by (Printed Name) <i>J Nelson</i></p> <p>C. Date of Delivery <i>05/08</i></p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>Article Number (Transfer from service label) <i>RA6024328924S</i></p>			
S Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-154C	

REGISTERED NO. **KA60243289245**

To Be Completed By Post Office	Reg. Fee \$	Special Delivery
	Handling Charge	Return Receipt
	Postage \$	Restricted Delivery
	Received by <i>[Signature]</i>	

JUN 25 1991
NEW YORK NY 10007

Domestic Insurance is Limited To \$25,000; International Indemnity Is Limited (see reverse)

To Be Completed By Customer (Please Print) All Entries Must Be In Full Print or Typed	Customer Must Declare Full Value \$ <i>[Signature]</i>		<input type="checkbox"/> With Postal Insurance
	FROM	00 /AJS SUITE 1802 225 BROADWAY NEW YORK NY 10007	
TO	95 /HRLDM APL CO.PTE, LTD. 100 CENTRAL AVE, BLDG 40C SOUTH KEARNY, NJ 07032		

PS Form 3806, April 1991

(See instructions on Reverse)